

Component 6: Secure Funding and Technical Assistance / Issue NR 151 Notice

A) Voluntary Component

1. Receive request for cost-share and/or technical assistance from landowner.

(Note: Landowners will be prompted to voluntarily apply for cost sharing based on information provided in a NR 151 Compliance Status Report.)

2. Confirm cost-share grant eligibility and availability of cost-share & technical assistance.
3. Develop and issue cost-share contract (including BMP's to be installed or implemented, estimated costs and project schedule and notification requirements under NR 151.09(5-6) and/or 151.095(6-7).

Note: The DNR will assist in developing proper notification language.

Question 9: Will your County conduct this component for landowners willing to comply with performance standards or prohibitions?

48 Yes	1 No	12 Unsure
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County	If No or Unsure, Please Describe Why.
Ashland, Bayfield, Douglas, Iron	(Checked both Yes and Unsure; counted as "Yes" based on comment) If funds are available to address problems.
Brown	Brown County will implement state standards that are consistent with existing County Ordinances: Animal Waste Management, Agriculture Shore land Management, Floodplains and Shore lands ordinance provisions related to Buffer Strips. All other work needed to conform to state standards will be conditional upon receiving staff funding from State of Wisconsin unless it is located in an active Priority Watershed Project(with staffing and cost share provided by state) and is an eligible practice
Eau Claire	Probably will continue to do this but will not commit until issues/components are resolved.
Fond du Lac	We do this now with priority watersheds. If staff and cost share dollars are available, we would very likely provide this service.
Iowa	Probably would be yes but only if staff and cost sharing is available.
Jefferson	Availability of staff and funds to do so.
Kenosha	Due to budget constraints and limited staff it may be impossible for Kenosha County to provide additional assistance to landowners without increased funding
Lafayette	If we have cost share dollars and staff to administer it.
Langlade	(Did not answer, but comments indicate a strong No.) Something the county can't do because of lack of funding and staff
Marquette	Extra Staff would be needed, at this point the answer is "no", but with added staff, the answer would be yes.
Outagamie	(Answered Yes) NOTE*** Cooperation and support from our partner agencies will be needed to make this work. We do much of this type of work now.
Richland	(Answered Yes) As long as the state has cost share money.
Rusk	It's hard to imagine we're ever going to get this far.
Sauk	(Answered Yes) To the best of our ability with limited staff.
Taylor	The success of this component/step hinges on whether or not cost-share assistance will be available. The amount of cost-share assistance we have had in the past varies each year. In other words, we have not been able to discern

	from one year to the next just how much cost-share assistance we will have available. Since we are unsure whether or not (and just how much) cost-share assistance will be available, we are unsure of our level of commitment here. .
Vilas	We have a busy office currently with shoreland cost-share practices being installed regularly--we ought to be able to carry out other cost-share practices too if need be to address water quality concerns.
Wood	Probably

B. Non-voluntary Component

In the event that a landowner chooses not to voluntarily apply for public funding to install or implement corrective measures that entail eligible costs, or to voluntarily install or implement corrective measures that do not entail eligible cost, issue Landowner Notification per NR 151.09(5-6) and/or 151.095(6-7).

- If eligible costs are involved, this notification shall include an offer of cost sharing.
- If no eligible costs are involved, or if cost sharing is or was already made available, the notification will not include an offer of cost sharing.

Note: The Notification referenced above will be designed by the DNR and contain: a) A description of the performance standard or prohibition being addressed; b) The compliance status determination made in accordance with NR 151; c) The determination as to which best management practices or other corrective measures are needed and which, if any, are eligible for cost sharing; d) The determination that cost sharing is or has been made available, including a written offer of cost sharing when appropriate; e) An offer to provide or coordinate the provision of technical assistance; f) A compliance period for meeting the performance standard or prohibition; g) An explanation of the possible consequences if the owner or operator fails to comply with provisions of the notice; and h) An explanation of state or local appeals procedures.

Question 10: Will your County Issue notification, under state an/or local laws, to landowners unwilling to comply with performance standards or prohibitions?

12 Yes local authority	7 Yes state authority	13 No	29 Unsure
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County	If "No" or "Unsure" response, please describe why.
Adams	We want to be a technical agency and not an enforcement agency. We will give DNR a copy of noncompliance status reviews.
Ashland, Bayfield, Douglas, Iron	More information is needed to answer this.
Brown	Brown County will implement state standards that are consistent with existing County Ordinances: Animal Waste Management, Agriculture Shore land Management, Floodplains and Shore lands ordinance provisions related to Buffer Strips. All other work needed to conform to state standards will be conditional upon receiving staff funding from State of Wisconsin unless it is located in an active Priority Watershed Project(with staffing and cost share provided by state) and is an eligible practice.
Buffalo	This is a state law and should be enforced by the state or in this case the DNR.
Calumet	The answer to this question depends on whether our County incorporates the Standards and Prohibitions in our county ordinances. If we do, we will issue notification under local authority. If not, we will either issue it jointly or let DNR issue it. Refer to the answer of question 17.
Chippewa	Believe that this is a State responsibility.
Clark	Want nothing to do with enforcement.

Columbia	Depends on Future discussions—corp. counsel plan
Crawford	Willing to put a local face on the regulatory component of the rule but want flexibility to keep appeals local in nature.
Dane	Again, we need to address a working procedure
Dodge	We believe that enforcement of the state's new nonpoint runoff rules is ultimately the responsibility of the state DNR. We will continue to enforce our county's manure storage ordinance. But, considering the financial difficulties in Dodge County government, it is highly unlikely that Dodge County would support adopting and enforcing new local ordinances in the near future.
Door	(Answered Yes/local) (jointly underlined) Yes; we are not the very early stages of writing a County Ordinance.
Dunn	This smells of bureaucracy, at a time when our staff resources are already stretched to the maximum and we're facing cuts in staffing grants.
Eau Claire	We are not convinced the state will follow through in an efficient, timely, and cost-effective manner, so the County probably would issue the notification but we will not commit to this until all issues are resolved.
Fond du Lac	Blatant violations will be forwarded to DNR for action. LWCD will only provide technical assistance upon the landowner's request.
Grant	If notification is required because of performance standards non-compliance, then wish not to issue. If notification required because of local non-compliance, then we would issue – again depending on staff availability. (e-file) Do not wish to issue notifications if non-compliant w/perf. Stand. If required because of non-compliance w/local ordinance, then yes pending staff availability. (hard copy)
Green	(Did not check response; counted as Yes/Local based on comments.) Yes---if it is a local ordinance issue No----if it is a state issue
Green Lake	We would like to discuss this further with the DNR.
Iowa	Probably only the local manure storage ordinances.
Jefferson	Hard to determine since the guidance from state agency's is not here yet.
Kenosha	Without more information defining the responsible agencies involved, Kenosha County is unsure of the role it will have in landowner notification
Kewaunee	(Answered Yes/Local) YES...BUT we need to know more about what's involved and how we could jointly do this with the state.
Lafayette	(Did not check a response; counted as "Unsure" based on comments.) Would possibly help. Will take care of our own local issues.
Langlade	(Did not answer, but comments indicate a strong No.) Something the county can't do because of lack of funding and staff
Marathon	(Answered Yes/Local) Because of the lack of uniform zoning we will notify in area where our animal ordinance applies and we have access to Corporation Counsel. We would be willing to work with the state in other areas.
Marinette	We are currently very successful at getting conservation on the land through voluntary implementation. The concern is that becoming involved with the regulatory side will harm our relationship with County farmers.
Monroe	I'm not sure how our county will feel about doing this. Maybe or maybe not, depends on who's on certain committees
Outagamie	We considered answered this question as NO or Unsure. We feel this would be best done by the State however we

	would consider issuing the notice with dam strong support by the State. We are concerned how the department may be viewed if we do this and how it may impact our relationships.
Portage	Would work better if the State issues the Notification so as not to jeopardize a future working relationship with.
Price	You guys do the dirty work for a change
Racine	Unsure; no comments
Richland	We don't have and probably won't have local ordinances. We will depend on DNR
Rock	We contend that the DNR should conduct this component of the program. The system is set up, as described in NR 120 for Critical Site notification process. It is our belief that this system should be followed
Rusk	Because we don't know how this whole process will work and what the "atmosphere" in the public will be.
Sauk	(Answered Yes/State) Committee felt this was DNR role.
Sheboygan	DNR will design and issue the landowner notification.
Taylor	(Answered Yes without selecting one of the options; selected Yes/Local based on comment) We will issue notification where local regulations/ordinances apply, but we believe the notification should come from DNR where DNR state performance standards and prohibitions apply.
Vilas	I'd need to investigate this further with our Corporate Counsel and our Land and Water Conservation Committee.
Walworth	Unsure due to financial commitment and staffing and legal support on a county level. (first survey) Financial problems (second survey)
Washington	The county does not currently have ordinances that cover the performance standards. Until such time, we will agree to issue such a notice under state law. We indicate "unsure" because it will depend on the DNR. We will issue notices if the DNR 1) Is in perfect agreement with the determination of compliance status; 2) Is willing to co-sign a letter and 3) Will commit to following through with enforcement if voluntary cooperation is not successful. On the other hand, the county will avoid being party to an effort that has no follow-up or consequences for non-compliance (i.e. no teeth). The county is considering developing an ordinance which will enable local enforcement of the new standards and prohibitions. If we do, it will be in an effort to promote a level playing field and establish clear expectations for everyone in the county. An ordinance will serve as a backup tool to accomplish resource protection where non-regulatory efforts are unsuccessful...rather than as the means or program by which resource protection is achieved. If and when local ordinances are adopted, we will issue notices which are consistent with NR 151.
Waukesha	It depends on the availability of grant funds, how the DNR working agreements are structured and other options available.
Waupaca	Waupaca County is not willing or able (time) to litigate agricultural producers.
Waushara	Given the current political climate, I do not believe Waushara County will employ these tactics. I am not sure if the County will authorize us taking regulatory steps. Traditionally, this was done by DNR. See NR 243 and NODs
Winnebago	(Did not select one of the Yes options; counted as "Yes/Local" based on comment) Yes, utilizing both methods, as the situation dictates. Using state 'authority' would be the last resort.
Wood	Will need more information to make decision.

LaCrosse Co.: No submission. New county structure; uncertain how will proceed

Lincoln Co.: No submission, but sent letter. Does not want to commit without additional information about state commitment and funding.

Menomonee Co.: Does not see need for ag performance standards (300 ac. classified as ag use; 0% soil erosion rate.

Pierce Co.: No submission, but sent letter. LCC not able to commit to implementation activities but willing to discuss future role.